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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/660,327 | 09/10/2003 | Yun-Lung Chen | | 5959 |

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/660,327 | Applicant(s) CHEN, YUN-LUNG | |
| | Examiner James O. Hansen | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10, 18 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 14-17 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Claims 9, 10, 18 & 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 14, 2005.

Information Disclosure Statement

2. The information disclosure statement filed September 10, 2003 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP §. It has been placed in the application file. It is noted that the information referred to, as TW 77200511 has not been considered as to the merits since it appears that the copy received by the office is incomplete [no figures – copy only two pages]. If the copy is complete as previously submitted, applicant should remark accordingly in a future response. If the copy is incomplete as alleged, applicant is advised that the date of any re-submission of the item contained in the information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claims 2-8, 11 & 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 2, the phrase “the first bracket is fixed at respective ends of the top plate, the bottom plate and the side plate” is deemed to be misdescriptive of the embodiments since the position is taken that the “fixed plate” is connected to the bottom plate as opposed to the “first bracket”. For examination purposes, the examiner has taken the position that the first bracket comprises a fixed plate, two side plates and a bottom plate. These elements when positively claimed [e.g., in claim 2], provide the basis for the first bracket being fixed to the top plate, bottom plate and side plate. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by TW publication 91208385 [known hereafter as TW`385]. TW`385 (figures 1-6) teaches of a computer enclosure (partially depicted) comprising: an inherent chassis incorporating

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a bottom plate (not shown – inherently present and viewed as the plate analogous to element 14 of the instant application for reference purposes) and a front plate (10); a mounting apparatus (13, 15) fixedly mounted to the front plate, the mounting apparatus comprising a first bracket (13) capable of receiving a plurality of disk drives therein and a fixed plate (15) depending from one side of the first bracket, and a movable plate (20) detachably attached to the front plate and opposite to the fixed plate, the movable plate comprising a first flange (viewed as the flanged hook on element (30)) and a second flange (28) at two opposite ends thereof securing to the bottom plate and the first bracket respectively as readily apparent to the examiner, wherein the fixed plate and the movable plate cooperatively form a second bracket for receiving a plurality of disk drives therein (fig. 6).

As to claim 13, TW 385 teaches of a computer enclosure (partially depicted) capable of securing a plurality of disk drives each defining apertures in a side wall thereof, the computer enclosure comprising: an inherent chassis comprising a front plate (10); a mounting apparatus (13, 15) mounted to the front plate, the mounting apparatus comprising a first bracket (13) capable of receiving some of the plurality of disk drives and a fixed plate (15) integrally formed with the first bracket and fixed to the chassis via the front plate, a plurality of first supporting tabs (shown in the figures where the elongated openings are present) being stamped from the fixed plate; and a movable plate (20) detachably attached to the chassis via the front plate and parallel to the fixed plate, the movable plate and the fixed plate cooperatively forming a second bracket there between as readily apparent to the examiner (fig. 6), the movable plate comprising a plurality of second supporting tabs (clearly depicted in the figures)

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cooperating with the first supporting tabs to support disk drives in the second bracket.

Allowable Subject Matter

7. Claims 2-8, 11 & 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 14-17 & 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Pending further review and consideration, Claim 21 is allowed.

Conclusion

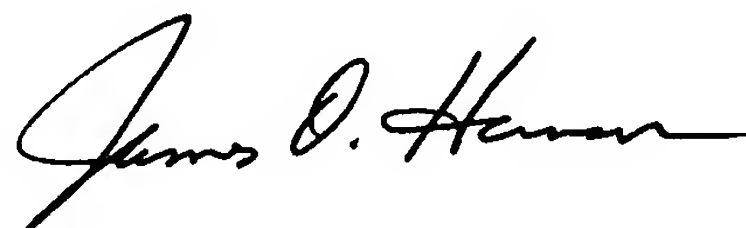
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Xanthopoulos, Chen, and Jelinger describe computer enclosures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
February 17, 2006